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9                    UNITED STATES DISTRICT COURT

10                  NORTHERN DISTRICT OF CALIFORNIA

11                    SAN FRANCISCO DIVISION

12  NIKOLAY BARKHATOV,                    )
                                          )  No. C 07-3172 EDL
13                 Petitioner,            )
                                          )
14           v.                           )  **STIPULATION TO DISMISS AND**
                                          )  **[~~~~~~~~~~~] ORDER**
15  ROSEMARY MELVILLE, District Director, )
    U.S. Citizenship and Immigration Services, )
16  San Francisco District;               )
    EMILIO T. GONZALEZ, Director, U.S.    )
17  Citizenship and Immigration Services; )
    MICHAEL CHERTOFF, U.S. Secretary of   )
18  Homeland Security, and                )
    ROBERT S. MUELLER, III, Director,     )
19  Federal Bureau of Investigations;     )
                                          )
20                 Respondents.           )
    _____ )

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22      Petitioner, by and through his attorney of record, and Respondents, by and through their

23  attorneys of record, hereby stipulate, subject to the approval of the Court, to dismissal of the above-

24  entitled action without prejudice in light of the fact that the United States Citizenship and

25  Immigration Services is now prepared to adjudicate petitioner's application for naturalization and

26  agrees to adjudicate such application within 30 days of the dismissal of this action.

27      Each of the parties shall bear their own costs and fees.

28  ///

    Stipulation for Dismissal
    C 07-3172 EDL                          1

1  Date: August 14, 2007                          Respectfully submitted,

2                                                 SCOTT N. SCHOOLS
                                                  United States Attorney
3

4                                                       /s/
                                                  EDWARD A. OLSEN
5                                                 Assistant United States Attorney
                                                  Attorneys for Respondents
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7
                                                        /s/
8  Date: August 14, 2007                          ROBERT BAIZER
                                                  Attorney for Petitioner
9

10                                     **ORDER**

11         Pursuant to stipulation, IT IS SO ORDERED.

12
   Date:      August 20, 2007
13                                                ELIZABETH D. LAPORTE
                                                  United States Magistrate Judge

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Stipulation for Dismissal
C 07-3172 EDL                           2